

## **U.S. DEPARTMENT OF HOMELAND SECURITY**

### **CHARTER OF THE NATIONAL INFRASTRUCTURE ADVISORY COUNCIL**

#### **ESTABLISHMENT**

In Executive Order 13231 of October 16, 2001, as amended by Executive Order 13286 of February 28, 2003 (collectively, the “E.O.”), the President established the National Infrastructure Advisory Council (NIAC). Consistent with the provisions of the E.O., the Secretary of Homeland Security (the “Secretary”) is required to perform the functions of the President under the Federal Advisory Committee Act (“FACA”), except those of reporting to the Congress. Accordingly, the Secretary, with the concurrence of the General Services Administration, hereby charts the NIAC.

#### **OBJECTIVES AND DUTIES**

1. The President established the NIAC in order to support a coordinated effort by both government and private sector entities to advise him on the security of the information systems supporting the nation’s critical infrastructure in the following key sectors of the economy: banking and finance, transportation, energy, manufacturing, and emergency government services.
2. The NIAC shall draw on the expertise of its members so as to provide advice and make recommendations on the following:
  - a. enhancing cooperation between the public and private sectors in protecting information systems supporting critical infrastructures in key economic sectors and providing reports on the issue to the President, through the Secretary, as appropriate;
  - b. proposing and developing ways to encourage private industry to perform periodic risk assessments of critical information and telecommunications systems; and
  - c. monitoring the development of private sector Information Sharing and Analysis Centers (ISACs) and providing recommendations to the President, through the Secretary, on how these organizations can best foster improved cooperation among ISACs, the Department of Homeland Security, and other Federal Government entities.
3. The NIAC shall advise the Federal Government lead agencies that have critical infrastructure responsibilities, industry sector coordinators, the Department of Homeland Security, and the ISACs.
4. The NIAC shall function solely as an advisory body and shall comply with the provisions of the FACA.

## **MEMBERS AND CHAIRPERSON**

1. The NIAC shall be composed of not more than 30 members. Members shall be appointed by the President and shall serve at the President's discretion. The members of the NIAC shall be selected from the private sector, including industry and academia, as well as state and local government. The members of the NIAC shall have expertise relevant to the functions of the NIAC and generally shall be selected from industry Chief Executive Officers (and equivalent ranked leaders of other organizations) with responsibilities for the security of information infrastructure supporting key sectors of the economy, including banking and finance, transportation, energy, communications, and emergency government services. Inasmuch as information classified for national security reasons will be provided to the NIAC, all members shall be required to have appropriate security clearances.
2. The President shall designate a Chair and Vice-Chair from among the members of the NIAC.
3. Members shall not be compensated for their work on the NIAC, but shall, upon request and subject to available appropriations, be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons serving intermittently in the government service.
4. Members shall not be full-time employees of the executive branch of the Federal Government.

## **ADMINISTRATIVE PROVISIONS**

1. The Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection shall serve as the Executive Director of the NIAC (Executive Director).
2. The NIAC shall report to the President through the Secretary, who shall ensure appropriate coordination with the Assistant to the President for Homeland Security, the Assistant to the President for Economic Policy, and the Assistant to the President for National Security Affairs under the terms of the E.O.
3. The Director of the Office of Planning and Partnerships within the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security shall be the Designated Federal Official (DFO). To the extent permitted by law and subject to the availability of appropriations, the Department of Homeland Security, through the DFO or his or her designee, shall provide the NIAC with administrative services, staff, and other support services and such funds as may be necessary for the performance of the NIAC's functions.
4. The NIAC shall meet approximately four to six times annually, at the call of the DFO, in consultation with the Executive Director or his or her designee and the Chair of the NIAC. The Executive Director or his or her designee shall establish the agenda of each NIAC meeting.

5. The DFO, in consultation with the Executive Director or his or her designee and the Chair of the NIAC, may hold open and closed meetings, in accordance with law. Attendance at closed meetings shall be limited to members, appropriate government officials, and NIAC support staff who hold necessary administrative and security clearances.
6. The Chair of the NIAC shall preside at all meetings of the NIAC; provided, however, that the DFO may, in consultation with the Executive Director or his or her designee, adjourn any NIAC meeting if the DFO determines such adjournment to be in the public interest and so advises the Chair.
7. The NIAC may consult with any interested party, including any private group or individual, government department, agency, interagency committee, or other government entity, as the NIAC deems necessary or appropriate. The NIAC may hold hearings, conduct inquiries, and establish, with the concurrence of the Executive Director or his or her designee, an executive committee and such other committees and subcommittees as it considers necessary or appropriate, subject to the provisions of the FACA.
8. The Chair of the NIAC may establish such other procedures as may promote the purposes and objectives of the NIAC, consistent with this Charter, the E.O., the FACA, and any other applicable law.
9. In addition to the Secretary, or his delegate, the NIAC may invite other senior Federal Government officials to attend meetings of the NIAC, as the Chair of the NIAC and the Executive Director deem appropriate.
10. Upon the request of the Chair of the NIAC, and to the extent permitted by law, the heads of executive branch departments and agencies shall provide the NIAC with information and advice relating to its functions.
11. The estimated annual operating cost of the NIAC is \$529,000, which includes two person-years of staff support.

## **DURATION**

This charter shall terminate not later than midnight October 15, 2003, unless it is terminated earlier or renewed by appropriate action.